

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

GARY WAYNE TAYLOR,

Petitioner,

v.

CIVIL ACTION NO. 6:03-cv-02432  
(Criminal No. 6:02-cr-00125-01)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

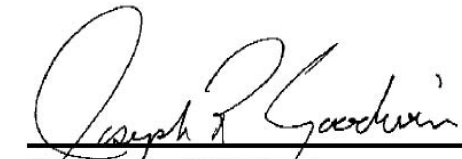
Pending before the court is the petitioner's *Motion to Reopen the Time to File Appeal of the Denial of a COA* [Docket 79]. This motion was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court grant the petitioner's *Motion to Reopen the Time to File Appeal of the Denial of a COA* [Docket 79], and to allow the petitioner 14 days from entry of this Order to file a notice of appeal.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **GRANTS** the petitioner's *Motion to Reopen the Time to File Appeal of the Denial of a COA* [Docket 79]. The petitioner has 14 days from entry of this Order within which to file a notice of appeal of this court's October 15, 2004 Order [Docket 77] denying his motion for certificate of appealability.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER:        October 6, 2005

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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE